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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/699,387 | 11/04/2003 | Benny Gaber | 1246GAB-US | 6342 |
| 32964 | 7590 | 02/14/2006 | EXAMINER | |
| DEKEL PATENT LTD., DAVID KLEIN BEIT HAROF'IM 18 MENUHA VENAHALA STREET, ROOM 27 REHOVOT, 76209 ISRAEL | | | DRYDEN, MATTHEW DUTTON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3736 | |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,387

Applicant(s)

GABER, BENNY

Examiner

Matthew D. Dryden

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al (5396902) in view of Mirarchi (6494894). Brennan et al discloses the claimed invention except for the guidewire comprising a coating that is thicker on one side of a perimeter than on an opposite side of the perimeter. Brennan et al discloses: a guidewire comprising a coil (see Figure 16, around elements 84), a pull wire (around element 12 in Figure 16) disposed inside the guidewire connected to a first and second stop member (first member is element 23 in Figure 8, second stop member is the housing element 30 in Figure 2), and an actuator (around element 34 in Figure 2).

Art Unit: 3736

Mirarchi teaches it is known to provide a guidewire with a coating that is only on a portion of the perimeter of the guidewire, to provide a lubricious coating and for the uncoated portions to allow for bonding between the wire core and the surrounding core and reduces coating flake-off or rub-off (see Column 2, lines 14-39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Brennan et al with a guidewire that comprises a coating that is thicker on one side of a perimeter than on an opposite side of the perimeter, as taught by Mirarchi, to provide a lubricious coating and for the uncoated portions to allow for bonding between the wire core and the surrounding core and reduces coating flake-off or rub-off.

Regarding claim 4, the thickness of one side of the perimeter is zero because there is no coating on one side of the wire's perimeter.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al in view of Mirarchi as applied to claim 1 above, and further in view of Brenner (6497681). Brennan et al as modified discloses the claimed invention except for the actuator comprising jaws and that is capable of stretching the coil and pushing the first stop member in the proximal direction. Brenner teaches an actuator that comprises jaws that are capable of stretching the coil and pushing the first stop member in the proximal direction. Brenner teaches it is known to provide jaws to a guidewire or flexible tube member to allow the user to grasp or frictionally engage a portion of the periphery of the elongated flexible member to enable the user to hold the device at a desired position (See Abstract). It would have been obvious to one having ordinary skill

Art Unit: 3736

in the art at the time the invention was made to further modify the device of Brennan et al with a pair of jaws when separated are capable of stretching the coil and pushing the first stop member in the proximal direction, as taught by Brenner, to allow the user to grasp or frictionally engage a portion of the periphery of the elongated flexible member to enable the user to hold the device at a desired position.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 3,973,556 Fleishhacker et al disclose a smoothened coil spring wire guide

U.S. Pat. No. 5,480,382 Hammerslag et al disclose a steerable medical device

U.S. Pat. No. 6,296,616 McMahon discloses a guidewire with shaped intermediate portion

U.S. Pat. No. 6,371,929 Steele discloses a method and apparatus for producing steerable coated guidewires and the steerable guidewires produced thereby.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Dryden whose telephone number is (571) 272-6266. The examiner can normally be reached on Monday-Friday 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone

Art Unit: 3736

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDD


MARK H. ROSENBERG
COMMERCIAL PATENT EXAMINER
EBC LAW CENTER STC0